In the Punjab and Haryana High Court, Chandigarh.

RSA No.1237 of 2005
Date of decision:13.09.2007.

Smt.Anguri ... Appellant.

Versus

Jai Bhagwan and others ... Respondents.

Present: Mr.RS Mamli, Advocate, for the appellant.

None for the respondents.

PERMOD KOHLI, J. (Oral):

This is plaintiff's second appeal against the concurrent findings of fact recorded by the learned Courts below.

The facts of the case are like this:

The plaintiffs filed a suit for declaration challenging the judgment and decree dated 23.07.1990, suffered by Nanak in favour of Jai Bhagwan, defendant No.1, in the suit. It is the admitted case of the parties that Nanak was the owner of the property in dispute. He had two sons, namely, Jai Bhagwan and Surjit. During his life time, Nanak suffered a decree in respect of his property in favour of his one son Jai Bhagwan ignoring other son, namely, Surjit. The appellant and proforma respondent No.6, are the widow and daughter of Surjit. The judgment and decree were sought to be challenged,firstly, on the ground that the property was

ancestral and, secondly, that the same was not registered. Other pleas were also regarding the claim under the Customary law.

The defendants contested the suit challenging the locus of the plaintiffs-appellant and also pleaded that the property in question was self acquired property of Nanak. Both the learned Courts below have non-suited the plaintiffs on the ground of their locus as also holding that the decree did not require registration.

It has been vehemently contended on behalf of the appellant that the decree required registration. Without commenting on this question, the appeal cannot succeed for the simple reason that the plaintiffs have no locus to file the suit. The property in question has been proved to be self acquired property of Nanak and he had every right to deal with the property in question, in any manner. Neither the predecessor-in-interest of the plaintiffs-appellant nor the appellants have any locus or claim with regard to self acquired property of Nanak. This appeal is directed against the concurrent findings of fact recorded by the learned Courts below. No substantial question of law is involved in this appeal. No merit. Dismissed. No costs.

(PERMOD KOHLI)
JUDGE

September 13, 2007.
BLS